**UNITED STATES DISTRICT COURT**
**WESTERN DISTRICT OF MISSOURI**
**WESTERN DIVISION**

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| HILDENE OPPORTUNITIES MASTER FUND, LTD. | ) | Case No. 4:14-cv-01110-ODS |
| Plaintiff, | ) | |
| v. | ) | |
| ARVEST BANK, *et al.* | ) | |
| Defendants. | ) | |

**DEFENDANT ARVEST BANK'S CROSS-MOTION FOR SUMMARY JUDGMENT ON STATUTE OF LIMITATIONS GROUNDS**

Pursuant to Federal Rule of Civil Procedure 56 and Local Civil Rule 56.1, Defendant Arvest Bank, by and through its undersigned counsel, hereby cross-moves for an order granting summary judgment for Arvest Bank on the grounds that the claim asserted against it by Plaintiff Hildene Opportunities Master Fund, as the purported assignee of U.S. Bank National Association, is barred by the applicable statute of limitations. This motion is supported by the accompanying Suggestions in Support of Cross-Motion for Summary Judgment and in Opposition to Hildene's Motion for Partial Summary Judgment, the exhibits thereto and all other papers and proceedings properly before this Court.

Respectfully submitted,

Dated: September 8, 2016

**/s/ Michael S. Cargnel**

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*Attorneys for Defendant Arvest Bank*

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served on all counsel of record through this Court's Electronic Case Filing system, this 8th day of September, 2016.

/s/ Michael S. Cargnel